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U.S. Department of Homeland Security
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



File:

Office: NATIONAL BENEFITS CENTER

Date: OCT 16 2003

IN RE: Applicant:

Application: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

PUBLIC COPY

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant makes reference to documents she is submitting on appeal which, according to her, had not been available at the time she initially filed her LIFE application.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10. That same regulation provides that, in the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988.

The applicant failed to submit any documentation addressing this requirement when her application was filed. In response to the notice of intent to deny, the applicant provided a photocopy of a letter dated September 19, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the Zambrano case. Pursuant to 8 CFR § 245a.10, a written claim for class membership means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*. The letter does not constitute a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for *Zambrano* class membership because it does not provide any relevant information upon which a determination could be made.

In addition, it must also be noted that the applicant is one of numerous aliens who did not furnish such letters to the Attorney General (virtually all dated from September 15th to September 25th,

2000) with their LIFE applications and yet provided them only upon receiving letters of intent to deny. These factors raise serious questions about the authenticity of the letter that the applicant purportedly sent to the Attorney General.

Doubt cast on any aspect of the evidence may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of an application. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence. Attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Subsequently, on appeal, the applicant submits a photocopy of an interview notice reflecting that, supposedly, she was to be interviewed at the CIS legalization office in Los Angeles, California, regarding the question of her eligibility for class membership in the LULAC or CSS legalization class-action lawsuits. The photocopied interview notice submitted by the applicant does not indicate a CIS A-number for the applicant.

It should also be noted that while the photocopied interview notice is dated March 21, 1995, the designated interview date is listed as October 1996 -- more than one year and 6 months later. That there would be such a lengthy interval between the notice's issuance date and the date of the applicant's scheduled interview appears highly unlikely. It also appears unlikely that the legalization office's notice would list the scheduled interview date as simply "October 1996," thereby omitting the day-date on which the applicant was expected to appear.

An additional inconsistency concerns the fact that the photocopied interview notice makes reference to her having applied for class membership under *CSS/LULAC* class-action lawsuit. The photocopied letter purportedly sent to Attorney General Reno, however, requested that the applicant be registered in the [REDACTED] case. The applicant offers no explanation for this significant discrepancy.

The applicant, on appeal, also submits a photocopied application Form I-687 supposedly signed by the applicant on October 23, 1988, along with a photocopied Form for Determining of Class Membership in *CSS vs. Meese* allegedly signed on March 8, 1995. While applicants were advised to provide such evidence with their applications, this documentation was not submitted until after the application had been denied. While the applicant, on appeal, asserts these documents were not submitted along with her LIFE application because they were "not available," she fails to expand

upon this assertion or provide a fuller explanation as to exactly why they were not in her possession at the time of her initial application but subsequently became available once she decided to appeal the director's decision. It is concluded that these photocopies, furnished at a very late stage in these proceedings and unaccompanied by any reasonable explanation, do not establish that valid, original documents were ever submitted to CIS.

Finally, the applicant's LIFE application indicated she was applying along with her spouse. However, according to the applicant's Form G-325A, Record of Biographic Information, submitted along with her application, she and her husband were not married until July 20, 1990. As such, the requisite family relationship to her husband did not exist as of May 4, 1988 -- the termination of the application period for temporary resident status under section 245A of the Immigration and Nationality Act (INA). Therefore, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

Given her inability to meet this requirement, along with her failure to establish having filed a timely claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.